

# HOUSE BILL 1332

E1  
HB 1080/10 – JUD

11r3068  
CF SB 213

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By: **Delegate McConkey**  
Introduced and read first time: March 7, 2011  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Drug-Free Zones Pilot Program – Public Parks and**  
3 **Recreation Areas**

4 FOR the purpose of prohibiting a person in Anne Arundel County from using or  
5 possessing with intent to use drug paraphernalia in certain public parks and  
6 recreation areas for a certain purpose; allowing a defendant in a certain  
7 prosecution involving drug paraphernalia relating to marijuana to introduce,  
8 and requiring the court to consider as a mitigating factor, certain evidence  
9 related to medical necessity; establishing certain penalties; authorizing the  
10 county to post certain signs; defining a certain term; providing for the  
11 termination of this Act; and generally relating to drug-free zones in Anne  
12 Arundel County.

13 BY adding to  
14 Article – Criminal Law  
15 Section 5–629  
16 Annotated Code of Maryland  
17 (2002 Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 **5–629.**

22 **(A) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

23 **(B) IN THIS SECTION, “PUBLIC PARK OR RECREATION AREA” MEANS**  
24 **ANY PARK OR ATHLETIC FACILITY THAT IS UNDER THE JURISDICTION OF THE**  
25 **ANNE ARUNDEL COUNTY DEPARTMENT OF RECREATION AND PARKS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           **(C) A PERSON MAY NOT USE OR POSSESS WITH INTENT TO USE DRUG**  
2 **PARAPHERNALIA IN A PUBLIC PARK OR RECREATION AREA TO:**

3           **(1) PLANT, PROPAGATE, CULTIVATE, GROW, HARVEST,**  
4 **MANUFACTURE, COMPOUND, CONVERT, PRODUCE, PROCESS, PREPARE, TEST,**  
5 **ANALYZE, PACK, REPACK, STORE, CONTAIN, OR CONCEAL A CONTROLLED**  
6 **DANGEROUS SUBSTANCE; OR**

7           **(2) INJECT, INGEST, INHALE, OR OTHERWISE INTRODUCE INTO**  
8 **THE HUMAN BODY A CONTROLLED DANGEROUS SUBSTANCE.**

9           **(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A PERSON WHO**  
10 **VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**  
11 **SUBJECT TO:**

12           **(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$1,000; AND**

13           **(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT**  
14 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.**

15           **(E) A PERSON WHO IS CONVICTED OF VIOLATING THIS SECTION FOR**  
16 **THE FIRST TIME AND WHO PREVIOUSLY HAS BEEN CONVICTED OF VIOLATING §**  
17 **5-619(D)(4) OF THIS SUBTITLE IS SUBJECT TO THE PENALTY SPECIFIED UNDER**  
18 **SUBSECTION (D)(2) OF THIS SECTION.**

19           **(F) (1) IN A PROSECUTION UNDER THIS SUBSECTION INVOLVING**  
20 **DRUG PARAPHERNALIA RELATED TO MARIJUANA, THE DEFENDANT MAY**  
21 **INTRODUCE, AND THE COURT SHALL CONSIDER AS A MITIGATING FACTOR, ANY**  
22 **EVIDENCE OF MEDICAL NECESSITY.**

23           **(2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF**  
24 **THE COURT FINDS THAT THE PERSON USED OR POSSESSED DRUG**  
25 **PARAPHERNALIA RELATED TO MARIJUANA BECAUSE OF MEDICAL NECESSITY,**  
26 **ON CONVICTION OF A VIOLATION OF THIS SECTION, THE MAXIMUM PENALTY**  
27 **THAT THE COURT MAY IMPOSE ON THE PERSON IS A FINE NOT EXCEEDING \$100.**

28           **(G) (1) THE COUNTY MAY POST SIGNS DESIGNATING A PUBLIC PARK**  
29 **OR RECREATION AREA TO BE A “DRUG-FREE ZONE”.**

30           **(2) THE SIGNS SHALL BE DESIGNED TO PROVIDE NOTICE OF THE**  
31 **PROVISIONS OF THIS SECTION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2011. It shall remain effective for a period of 3 years and, at the end of  
3   September 30, 2014, with no further action required by the General Assembly, this Act  
4   shall be abrogated and of no further force and effect.